

## **Subject Access Requests in compliance with current Data Protection Legislation namely, the General Data Protection Regulation (GDPR) Articles 15 and 46 and the UK Data Protection Act 2018 (DPA18). Additionally the Access to Health Records Act 1990 (as modified by Schedule 19 of the DPA18)**

### **Background**

- Since the 25th May 2018, the GDPR and DPA18 (Data Protection Legislation) provides the right of access to personal data, replacing the Data Protection Act 1998
- People who can apply include the data subject (i.e. the patient) about whom the data has been compiled or someone acting on behalf of the data subject (for example, by written authorisation, exercising parental rights, Court appointment, personal representative).
- Applications for access can be made verbally however to preserve the security, confidentiality and integrity of the request it should be confirmed in writing to the Health Records Administration Manager who act on behalf of the Trust Data Protection Officer.
- Applications for access to deceased patient's data will still be processed under the Access to Health Records Act 1990.

### **Your Rights**

- Whilst the Data Protection Legislation gives the right of access, the Trust, as the data holder (also known as the Data Controller) may withhold any information which may cause serious harm to your physical or mental wellbeing or which identifies a third party. We do not have to disclose the fact that information has been withheld.
- You can ask for corrections to the data, and you are entitled to a copy of the correction or, if the data is not corrected, our note of your request and any subsequent discussion.
- If you think you may not have received all the information you are entitled to please contact the Health Records Administration Manager who will investigate your concerns and provide full information as to your rights.
- These rights are in addition to any informal voluntary arrangements made in the hospital for allowing patients to see their data at the discretion of the health professional responsible for their care and treatment.

### **Patient Confidentiality**

- Patients have a right to have their personal data kept confidential, and as the data controller we are obliged to be confident that an applicant is the data subject, or is otherwise entitled to access the data.
- Before access can be given, we will to check and verify your identity; however we may also have to make further enquiries.
- We will also need to have full details of the data that you require.

## NOTES

### Fees and charges

- Requests made under the Data Protection Legislation/Access to Health Records Act 1990 – No fee charged for Subject Access requests, except
- Data subjects applying for access to personal data may be charged a fee, but only if additional copies are requested for information already supplied; or where the requests are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either:
  - (a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or
  - (b) refuse to act on the request.

The controller (STH) shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request.

- Payment methods can be by cash, cheque or by telephone using a debit or credit card

### Timing

- On receipt of the completed application form and copy identification we will endeavour to process your request within a maximum period of 28 days. If we are unable to achieve this for any reason, then we will write to you prior to the expiry of the 28 days informing you of the delay and of the actions we are taking to satisfy your request.
- The response times for requests made under the Access to Health Records Act 1990 is also 28 days

### Further Information/Advice

- If you have any queries regarding yours rights under the GDPR and DPA18 or if you need advice or assistance in completing the form, please contact the Health Records Admin Manager on (0114) 2713054.

### Privacy Notice

#### How we handle your information

- Your privacy and confidentiality are very important to us
- Your Information is held safely and securely, and it will only be viewed by our staff who are directly involved in you care
- Further details on how we handle your information can be found in the full Hospital Privacy Notice. This can be found at [https://www.sth.nhs.uk/clientfiles/File/gdpr/STH%20Patient%20Privacy%20Notice%20LB\\_NB\\_PIW%2002052018%20Last.pdf](https://www.sth.nhs.uk/clientfiles/File/gdpr/STH%20Patient%20Privacy%20Notice%20LB_NB_PIW%2002052018%20Last.pdf)

Or by contacting the Trust Data Protection Officer.